

## REMARKS

As an initial matter, the Applicant thanks the Examiner for her thorough review of the present application. In the Office Action, the Examiner requires the election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner states that no claims are currently generic. The Applicant believes it has addressed the Examiner's requirement as discussed below.

### *Election/Restriction*

Contrary to the Examiner's assertion, there is a generic claim, Claim 1. Claim 1 recites the following:


- CLAIM 1. A piezo-electric in vivo insertable device comprising:
- a) a piezo-electric material in a tubular shape having an interior surface and an exterior surface;
  - b) at least one inside electrode on said interior surface of said piezo-electric material;
  - c) at least one outside electrode on said exterior surface of said piezo-electric material.

All of the species represented by Figs. 1-4 contain these basic elements regardless of whether the device is a stent or a capillary tube or whether the power source is mobile or stationary. Accordingly, the Applicant respectfully requests reconsideration of the Examiner's election/restriction requirement.

Should the Examiner maintain her election requirement, the Applicant elects the species represented by Fig. 1. That is, a stent that is radially polarized that utilizes a stationary power source. Claims 1-7,12, 14, 15-17, 18,19, 21, 22, 23, 24 are all readable on this species. The Applicant's election is made with traverse.

No fees are considered to be due; however, if it is determined that payment of a fee is required, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

By   
Kevin H. Vanderleeden, Esq.  
Registration No. 51,096  
Attorney for Applicant(s)

McCORMICK, PAULDING & HUBER LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-4102  
Tel: (860) 549-5290  
Fax: (413) 733-4543